

## **REMARKS**

This Response is filed in response to the Non-final Office Action dated January 22, 2007.

Upon entry of the amendment, claims 1-8 will be pending in the Application.

In the Office Action, the Examiner objected to the drawings and the specification; objected to Claims 2 and 3 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim; rejected claims 1-7 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement; and rejected claims 1-4 and 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **Objections to the Drawings**

In Paragraphs 1 &2 of the Office Action, the Examiner objected to the drawings, as follows:

- a. The specification indicates that compressor 12 discharges gas into discharge line 24, and Fig. 1 indicates that compressor 12 discharges gas into discharge line 22.
- b. The specification indicates that compressor 14 discharges gas into discharge line 22, and Fig. 1 indicates that compressor 14 discharges gas into discharge line 24.
2. The drawings must show every feature of the invention specified in the claims. Therefore, the "sensing means for sensing the rotational speed and the phase of operation of each of the two compressors," must be shown or the feature(s) canceled from the claim(s). Currently, the description only indicates that sensors 48 and 50 monitor refrigerant gas parameters such as pressure pulses. No new matter should be entered.
- . In response, Applicant has amended the specification correspond the specification to the drawings in a manner believed to overcome the objection in items a. and b. above. Also, the feature in the claims objected to by the Examiner in item 2 above has been removed from the claims, thereby rendering the objection moot. Therefore, Applicant has not submitted any corrections to the drawings.

### **Objections to the Specification**

In Paragraph 3 of the Office Action, the Examiner objected to the specification because of various informalities. In response, Applicant has amended paragraphs 0013, 0016 and 0019, in a manner believed to overcome the Examiner's objection. No new matter has been added. Therefore, withdrawal of the Examiner's objection to the specification is requested.

### **Objections under 37 CFR 1.75(c)**

In Paragraph 4 of the Office Action, the Examiner objected to claims 2 and 3 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response, Applicants have amended claims 2 and 3 in a manner believed to overcome the Examiner's objection, and have added a new independent claim 8, which includes the original base claim limitations (as currently amended), and the limitations set forth in claim 3. Applicants therefore respectfully request that claims 2 and 3 be reconsidered and allowed, and that independent claim 8 be considered and allowed.

### **35 USC § 112, First Paragraph**

In Paragraph 6 of the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Examiner states:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 5 claim a sensing means for sensing the rotational speed and the phase of operation of each of the compressors. The specification discloses a sensor or sensing means for sensing the rotational speed and the phase of operation of each of the compressors. The specification also discloses sensors monitoring refrigerant gas parameters, such as pressure pulses. It is not clear how the system is sensing the rotational speed and phase as claimed. Instead, it seems more likely that the system is sensing the pressure and calculating the rotational speed and phase of operation of the compressors. In addition, claims 1 and 5 claim that the means of control used to control the phase of

operation so that the outlet pressure pulse operatively produced by each of the remaining of the at least two compressors is substantially evenly spaced between successive outlet pulses operatively produced by the reference compressor. It is not disclosed in the specification how the phase of operation is controlled or shifted to produce the claimed result. For the above reasons, claims 1-7 are not enabled.

In response, Applicant has amended the independent claims 1 and 5, to delete duplicate language and to more clearly set forth the step of "sensing pressure pulses associated with each compressor", and not for "sensing rotational speed and phase of operation". Applicant submits that no new matter has been added as a result of these amendments to these claims, the amendments either deleting duplicate language, correcting antecedent basis or substituting alternative language as supported by the Specification as originally filed.

As the Examiner correctly pointed out, the specification indicates that the system is sensing the pressure and calculating the rotational speed and phase of operation of the compressors. Specifically, in Par. 0013 the specification states as follows:

"Sensors 48, 50 monitor refrigerant gas parameters, such as pressure pulses, passing through respective discharge lines 22, 24 providing parameter inputs to a controller 56 via respective lines 58, 60. The controller 56 includes logic devices, such as a microprocessor or other electronic means, for the generation of speed control signals 46 and 48 for controlling the operating parameters of compressors 12, 14 by controlling their respective inverters 42, 44 and motors 21, 23."

Another step, namely "determining the rotational speed and the phase of operation of each compressor of the at least two compressors based on the sensed pressure pulses" has been added to clarify that the control means is controlling the rotational speed and the phase of operation of the at least two compressors based on the sensed pressure pulses.

Therefore, Applicant respectfully submits that claims 1-5, as amended, and claims 6-7, are now enabled and reconsideration and allowance is requested.

### **35 USC 5 112, Second Paragraph**

In Paragraph 8 of the Office Action, the Examiner rejected Claims 1-4 and 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1 and 7 to provide antecedent basis in the claims, specifically by reciting "the at least two compressors". Applicants believe that the amendments overcome the Examiner's rejections under §112, second paragraph, and request reconsideration and allowance of same.

### **CONCLUSION**

Applicants believe that the claims as presented are allowable over the rejections and objections raised by the Examiner. Reconsideration and allowance of claims 1-8 is respectfully requested.

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

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